

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE NANTUCKET WINE & FOOD
FESTIVAL, LLC, and NANCY BEAN,

Plaintiffs,

V.

GORDON COMPANIES, INC. d/b/a THE
NANTUCKET FOOD AND WINE
EXPERIENCE, DAVID GORDON, and
WHITE ELEPHANT HOTEL LLC,

Defendants.

Civil Action No. 1:24-cv-11640-LTS

**PLAINTIFFS' EMERGENCY MOTION
FOR LIMITED EXPEDITED DISCOVERY**

Plaintiffs The Nantucket Wine & Food Festival, LLC and Nancy Bean respectfully submit this Emergency Motion for Limited Expedited Discovery pursuant to Fed. R. Civ. P. 37 and L.R. 37.1(b) to seek discovery from Defendants Gordon Companies, Inc. d/b/a The Nantucket Food and Wine Experience, David Gordon, and White Elephant Hotel, LLC, limited to three specific categories in an effort, among other things, to mitigate the immediate and ongoing harm to Plaintiffs' business. Plaintiffs seek limited expedited discovery in three categories: (1) documents concerning and including communications about purchasing or acquiring the Nantucket Wine & Food Festival, including but not limited to documents reflecting the scope and identity of recipients receiving such communications and the content thereof; (2) documents concerning and including communications purportedly made to cure any false statement or error concerning a purported purchase or acquisition of the Nantucket Wine & Food

Festival; and, (3) documents concerning the relationship, agreements and understanding between the Defendants about marketing efforts concerning a wine and food festival on Nantucket.

As a background matter, Defendants launched a media blitz approximately one month ago falsely claiming they had purchased the Nantucket Wine & Food Festival, re-branded it as the Nantucket Food and Wine Experience, and that it will continue the event at White Elephant. Plaintiffs did not sell their business and it was never rebranded. Defendants eventually admitted that they created a new event, but not until after numerous trade publications and media outlets had reported this false story (and continue to do so). Work is already underway to produce next year's festival, yet Plaintiffs' efforts are stymied by the confusion caused by Defendants who created a new event, passed it off as the original, with a strikingly similar name, logo, and website. Defendants' illicit campaign has placed Plaintiffs between a rock and hard place because they do not know the scope of who has received the false messaging of a purchase or acquisition and who has received inadequate corrective measures.

This motion is brought on an emergency basis because planning for the next annual Nantucket Wine & Food Festival, for May 2025, is well underway but hampered by Defendants' ongoing exploitation of their misconduct, as set forth in the Declaration of Nancy Bean.

Further support of Plaintiffs' Motion for Limited Expedited Discovery is set forth in the accompanying Memorandum and Declaration of Nancy Bean.

Respectfully submitted,
PLAINTIFFS,
By their attorneys,

/s/Barry S. Pollack

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Local Rule 7.1(a)(2) Certification

Undersigned counsel attempted in good faith to confer with counsel for the defendants to resolve or narrow the issues described herein and were unable to come to an agreement. After multiple calls among counsel for approximately two weeks, initial progress came to a sudden halt when defense counsel took the position that their clients would not agree to any expedited discovery and, therefore, would not address the requests on an item-by-item basis.

/s/Barry S. Pollack

Certificate of Service

The undersigned certifies that this document, filed through the ECF system, will be electronically served on counsel who are registered users of ECF July 16, 2024.

/s/Barry S. Pollack